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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA
5

6 YIORKIS PINEDA-LAURENCIO,

7 Petitioner,

8 v.

9 WILLIAM GITTERE, *et al.*,

10 Respondents.
11

Case No. 2:19-cv-00477-LRH-GWF

SCHEDULING ORDER

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13 This action is a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254,
14 by Yiorkis Pineda-Laurencio, a Nevada prisoner. Pineda-Laurencio initiated this action
15 on March 20, 2019, by filing a *pro se* habeas petition (ECF No. 2). Pineda-Laurencio
16 also filed a motion for appointment of counsel (ECF No. 3), and the Court granted that
17 motion on April 25, 2019 (ECF No. 4). Appointed counsel, the Federal Public Defender
18 for the District of Nevada, appeared for Pineda-Laurencio on May 24, 2019 (ECF No. 6).
19 Respondents appeared on May 1, 2019 (ECF No. 5).

20 Therefore, the Court will set a schedule for further proceedings in this action, as
21 follows.

22 Amended Petition. If necessary, Petitioner shall file an amended petition for writ
23 of habeas corpus within 90 days after entry of this order. The amended petition shall
24 specifically state whether each ground for relief has been exhausted in state court; for
25 each claim that has been exhausted in state court, the amended petition shall state
26 how, when, and where that occurred. If Petitioner determines that an amended petition
27 need not be filed, then, within 90 days after entry of this order, Petitioner shall file a
28 notice to that effect.

1 Response to Petition. Respondents shall have 60 days following service of the
2 amended petition to file an answer or other response to the amended petition. If
3 Petitioner does not file an amended petition, Respondents shall have 60 days following
4 the due date for the amended petition to file an answer or other response to Petitioner's
5 petition.

6 Reply. Petitioner shall have 45 days following service of an answer to file a
7 reply. Respondents shall thereafter have 30 days following service of a reply to file a
8 response to the reply.

9 Briefing of Motion to Dismiss. If Respondents file a motion to dismiss, Petitioner
10 shall have 60 days following service of the motion to file a response to the motion.
11 Respondents shall thereafter have 30 days following service of the response to file a
12 reply.

13 Discovery. If Petitioner wishes to move for leave to conduct discovery, Petitioner
14 shall file such motion concurrently with, but separately from, the response to
15 Respondents' motion to dismiss or the reply to Respondents' answer. Any motion for
16 leave to conduct discovery filed by Petitioner before that time may be considered
17 premature, and may be denied, without prejudice, on that basis. Respondents shall file
18 a response to any such motion concurrently with, but separately from, their reply in
19 support of their motion to dismiss or their response to Petitioner's reply. Thereafter,
20 Petitioner shall have 20 days to file a reply in support of the motion for leave to conduct
21 discovery.

22 Evidentiary Hearing. If Petitioner wishes to request an evidentiary hearing,
23 Petitioner shall file a motion for an evidentiary hearing concurrently with, but separately
24 from, the response to Respondents' motion to dismiss or the reply to Respondents'
25 answer. Any motion for an evidentiary hearing filed by Petitioner before that time may
26 be considered premature, and may be denied, without prejudice, on that basis. The
27 motion for an evidentiary hearing must specifically address why an evidentiary hearing
28 is required and must meet the requirements of 28 U.S.C. § 2254(e). The motion must

1 state whether an evidentiary hearing was held in state court, and, if so, state where the
2 transcript is located in the record. If Petitioner files a motion for an evidentiary hearing,
3 Respondents shall file a response to that motion concurrently with, but separately from,
4 their reply in support of their motion to dismiss or their response to Petitioner's reply.
5 Thereafter, Petitioner shall have 20 days to file a reply in support of the motion for an
6 evidentiary hearing.

7 **IT IS SO ORDERED.**

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9 DATED this 8th day of July, 2019.

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12 LARRY R. HICKS,
13 UNITED STATES DISTRICT JUDGE
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